

## **AMENDMENTS TO THE CLAIMS:**

This listing of claims will replace all prior versions and listings of claims in the application:

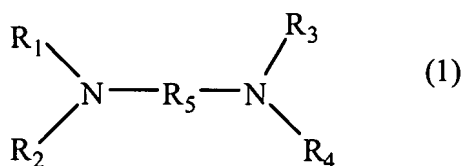
1. (Currently amended) A resin composition comprising a polyphenylene ether and a flame retardant, wherein said polyphenylene ether is obtained by polymerizing a monomer comprising 100 parts by weight of 2,6-dimethylphenol and from ~~[[1.01]]~~ 3 to 7% by weight of ortho cresol in the presence of a catalyst and an oxygen-containing gas.
2. (Previously presented) The resin composition according to claim 1, wherein said polyphenylene ether has a molecular weight distribution of 2.8-8.0.
3. (Previously presented) The resin composition according to claim 1, wherein said resin composition further includes a styrene resin.
4. (Previously presented) The resin composition according to claim 3, which comprises from 5-95 parts by weight of the polyphenylene ether, from 95-5 parts by weight of the styrene resin and from 1-30 parts by weight, based on 100 parts by weight of the polyphenylene ether and the styrene resin, of the flame retardant.
5. (Previously presented) The resin composition according to claim 1, wherein said flame retardant is at least one compound selected from the group consisting of a halogen compound, a silicone compound and a phosphorous compound.
6. (Currently amended) A process for producing a resin composition comprising a polyphenylene ether and a flame retardant, which comprises:  
polymerizing a monomer comprising 100 parts by weight of 2,6-dimethylphenol and from ~~[[1.01]]~~ 3 to 7% by weight of ortho cresol in the presence of a catalyst and an oxygen-containing gas to obtain a polyphenylene ether, and

mixing said polyphenylene ether with a flame retardant.

7. (Previously presented) The process according to claim 6, wherein said monomer is 2,6-dimethylphenol containing ortho cresol.

8. (Previously presented) The process according to claim 6, wherein said 2,6-dimethylphenol and said ortho cresol are separately fed.

9. (Previously presented) The process according to claim 6, wherein said catalyst comprises a copper compound, a halogen compound and a diamine compound represented by the following formula (1):

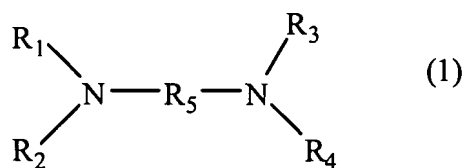


wherein  $R_1$ ,  $R_2$ ,  $R_3$  and  $R_4$  each independently represents a hydrogen or a linear or branched  $C_{1-6}$  alkyl group, with the proviso that they do not represent hydrogen at the same time; and  $R_5$  represents a linear or methyl-branched  $C_{2-5}$  alkylene group.

10. (Previously presented) The process according to claim 9, wherein said catalyst further comprises at least one of a tertiary monoamine compound or a secondary monoamine compound.

11. (Currently amended) A polyphenylene ether having a molecular weight distribution of from 2.8-8.0, which is obtained by polymerizing a monomer comprising 100 parts by weight of 2,6-dimethylphenol and from [[1.01]] 3 to 7% by weight of ortho cresol in the presence of an oxygen-containing gas and a catalyst

comprising a copper compound, a halogen compound and a diamine compound represented by the following formula (1):



wherein R<sub>1</sub>, R<sub>2</sub>, R<sub>3</sub> and R<sub>4</sub> each independently represents a hydrogen or a linear or branched C<sub>1-6</sub> alkyl group, with the proviso that they do not represent hydrogen at the same time; and R<sub>5</sub> represents a linear or methyl-branched C<sub>2-5</sub> alkylene group.